

George C. Myers III
10/073,993
02/14/2002

Amendment dated September 27, 2004
Response to Office Action dated July 14, 2004

REMARKS

In response to the outstanding Office Action dated July 14, 2004, applicant, first of all, wishes to thank the Examiner for the allowance of claims 15, 16, 19 and 20. Claims 17 and 18 have been amended to overcome the Examiner's objection to those claims and should now be allowable as indicated by the Examiner upon overcoming the objection. Claims 2 and 14 have previously been canceled as noted in the Listing of Claims. Two new claims 21 and 22 have been added in place of cancelled claims 2 and 14.

Claims 1, 3, 8, 13, 15, 20 and new claim 21 are generic to all species of the invention. Because the Examiner has allowed generic claims 15 and 20, it is respectfully requested that the Examiner withdraw the restriction requirement with respect to claims 4-7, 9, 11 and 12 and examine those claims in this application. *See* the Amendment filed April 20, 2004 in which applicant stated: "Insofar as presently understood, claims 4-7, 9, and 11-12 will be considered withdrawn by the Examiner as being directed to a non-elected species until such time as a generic claim is found allowable. Should one of the generic claims be allowed, it is understood that the Examiner will examine the non-elected claims 4-7, 9, and 11-12." *See also* MPEP 806.04(d). Withdrawn claims 6, 7, 9 and 12 have been amended to provide terminology and antecedents consistent with the pending claims examined by the Examiner.

Turning now to the rejection of claims 1 and 3 as anticipated by Bradish, the rejection of claims 1, 3, 8 and 13 as anticipated by Stewart, and the rejection of claim 10 as unpatentable over

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Bradish, claim 1 has been amended to include the recitation of means for holding hair to the body portion. Neither Stewart nor Bradish discloses such means so that claim 1 should now be allowable, along with claims 3, 8, 10 and 13 which depend from claim 1. New claim 21 recites the structure of a "hair curler body portion" and includes the recitation of means for holding hair to the hair curler body portion so that claim should also be allowable, along with claim 22 dependent thereon.

Bradish discloses a toy figure that has nothing whatever to do with hair, much less with curling hair. Nor is there any teaching or suggestion in Bradish of means for holding hair to the body portion of the toy figure or that hair should or could be wrapped about the body of the toy figure and held thereto. Stewart discloses a device for clamping around hair, however, the device is not a hair curler, has no hair curler body portion and has no teaching or suggestion that hair should or could be curled about the body portion of the Stewart device and held there by means for holding hair to the hair curler body portion.

For the foregoing reasons, withdrawn claims 4-7, 9, 11 and 12 should be examined and all pending claims, namely, claims 1, 3-13 and 15-22 should be allowed.

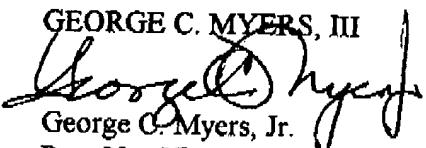
Should the Examiner have any questions regarding this Amendment or the specific amendments made to the claims, she is respectfully requested to contact applicant's undersigned attorney by telephone at 617-241-7982.

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Respectfully submitted,

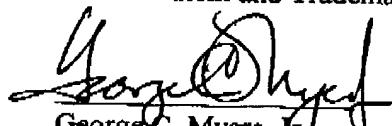
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I hereby certify that this Amendment was transmitted by facsimile on September 27, 2004
to the Central Facsimile Number (703) 872-9306 in the U.S. Patent and Trademark Office.


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